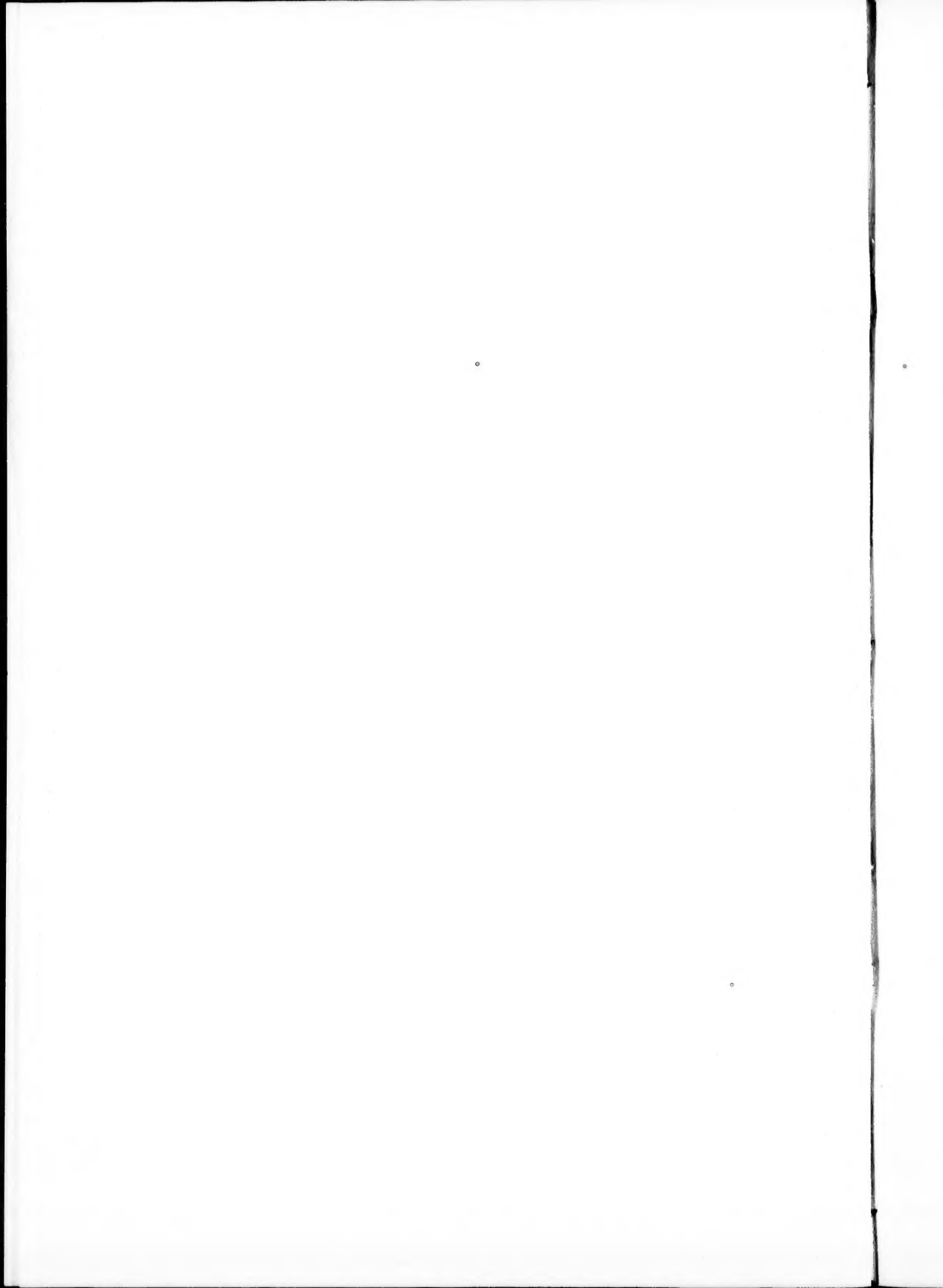




FROM REPORT OF THE DEPARTMENT OF MARINE AND FISHERIES, 1898

THE
BEHRING SEA QUESTION

EMBRACING

THE FUR SEALING INDUSTRY

OF THE

NORTH PACIFIC OCEAN

1898

OTTAWA
GOVERNMENT PRINTING BUREAU
1899

1899
(115)

THE BEHRING SEA QUESTION

EMBRACING THE

FUR SEALING INDUSTRY OF THE NORTH PACIFIC OCEAN, AS
AFFECTED BY THE BEHRING SEA AWARD AND
CONSEQUENT LEGISLATION.

The Honourable Sir LOUIS H. DAVIES, K.C.M.G., &c., &c.
Minister of Marine and Fisheries.

SIR,—The various departmental reports have, from year to year, dealt with this question, the last previous publication forming Appendix No. 13 to the report for the year 1897.

DEPARTURE OF THE SEALING FLEET.

The spring sealing fleet for 1898 comprised 32 vessels, and began clearing for the season's operations in the month of December, 1897, during which month 15 vessels cleared, the earliest date being 6th December. By the 1st February, the whole spring fleet had cleared, the latest clearance being on that date, whereas, in the previous year, more than half the vessels cleared in February and March.

In former years the early coast fleet has been divided into two branches, one operating on the North American coast of the Pacific Ocean, and the other on the Asiatic side, working up the Japan coast to the vicinity of Komandorski Islands, off the coast of Kamtschatka. This year (1898), however, it is perhaps worthy of note, that only one vessel of the whole Canadian sealing fleet, the "Director," went over to the Asiatic side.

The following is a list of the fleet which cleared for the spring operations of 1898, showing dates of departure and arrival, and numbers and description of crews, and numbers of boats and canoes employed :—

BRITISH COLUMBIA SPRING SEALING FLEET, 1898.

License No.	Schooners.	Tons.	Masters.	Departure	Arrival.	CREWS.		BOATS.	
						White.	Indians.	Boats.	Canoes.
				1897.	1898.				
1	Geneva.....	93	W. O'Leary.....	Dec. 6.	May 11.	24		2	
2	Libbie.....	93	F. Hackett.....	" 15.	Apr. 29.	29		7	
3	Doris.....	60	D. McPhee.....	" 15.	May 5.	6	20	2	10
4	Mary Taylor.....	43	A. Nelson.....	" 22.	Apr. 30.	20		5	
5	Mary Ellen.....	63	J. G. Searle.....	" 24.	May 14.	8	22	2	11
6	Teresa.....	63	G. Meyer.....	" 27.	" 5.	7	20	2	10
7	Penelope.....	70	Dan. J. Macauley.	" 28.	" 18.	6	18	2	9
8	Beatrice.....	66	Wm. Heater.....	" 28.	" 5.	5	16	2	8
9	Amoko.....	75	Geo. Heater.....	" 28.	" 27.	6	18	2	9
10	Arietis.....	86	F. Cole.....	" 28.	" 2.	8	30	2	15
11	City of San Diego.	46	M. Keefe.....	" 28.	" 10.	6	20	1	10
12	Ada.....	97	J. H. Noel.....	" 28.	" 7.	9	20	2	10
13	Otto.....	86	J. F. Gosse.....	" 29.	" 23.	7	22	2	11
14	Allie I. Algar.....	75	R. W. Lavender.....	" 29.	" 10.	23		7	
15	C. D. Rand.....	51	N. Blakstad.....	" 31.	" 6.	8	22	2	11
				1898.					
16	Saucy Lass.....	38	H. D. McDougall.	Jan. 4.	" 5.	6	16	1	8
18	Victoria.....	63	J. Haan.....	" 6.	" 5.	7	20	2	10
19	Mermaid.....	76	J. W. Anderson.....	" 13.	" 4.	7	20	2	10
20	Umbrina.....	99	J. W. Peppitt.....	" 14.	" 14.	8	23	2	11
21	Enterprise.....	69	J. W. Todd.....	" 14.	" 5.	7	25	2	12
22	Dora Siewerd.....	93	H. F. Siewerd.....	" 15.	" 14.	10	30	2	15
23	Carrie C. W.....	92	M. Foley.....	" 17.	" 5.	7	22	2	9
24	Hatzie.....	72	John Daley.....	" 19.	" 30.	7	24	2	12
25	Favourite.....	80	R. McLean.....	" 20.	June 1.	6	28.	2	14
26	Minnie.....	46	V. Jacobsen.....	" 22.	Apr. 30.	6	24	3	11
28	Ida Etta.....	69	H. V. Hughes.....	" 26.	May 6.	6	25	2	12
29	Ocean Rover.....	55	O. Buckholz.....	" 26.	" 4.	6	12	2	6
30	Zillah May.....	66	S. Balcom.....	" 29.	" 5.	6	24	2	12
31	Ocean Belle.....	85	A. McDougall.....	" 31.	" 5.	7	18	2	9
32	Walter L. Rich.....	76	J. Anderson.....	Feb. 1.	" 14.	6	14	2	6
17	*Director.....	87	Fred. Gilbet.....	Jan. —					
27	† Venture.....	48	Alex. Reppen.....						
	Total.....	2,281							

* Gone to Japan. † Returned to Port.

While these vessels took part in the spring or coast fishery, returning to port, as indicated in the list, all but seven of them subsequently cleared for participation in the summer seal fishery in Bebring Sea, where the season commences at the expiration of the close time, 1st August, and continues during that month and a portion of September, as a general rule.

The fleet which cleared for Behring Sea during 1898 is shown by the following list, comprising 28 vessels, and embracing all but 7 of those which operated on the coast, and a few others which did not:—

VESSELS CLEARED FOR BEHRING SEA, SEASON 1898.

Vessels.	Date.	Cleared for	No of License.
	1898.		
Mary Taylor.....	May 28.....	Behring Sea.....	4
Pioneer.....	" 28.....	".....	35
Teresa.....	June 9.....	".....	6
Walter L. Rich.....	" 15.....	".....	32
Carrie C. W.....	" 15.....	".....	23
Ocean Rover.....	" 15.....	".....	29
Saucy Lass.....	" 16.....	".....	16
Diana.....	" 16.....	".....	36
Victoria.....	" 17.....	".....	18
Ocean Belle.....	" 17.....	".....	31
Alnok.....	" 18.....	".....	9
Beatrice.....	" 18.....	".....	8
Penelope.....	" 18.....	".....	7
Umbrina.....	" 18.....	".....	20
Arietis.....	" 20.....	".....	10
Otto.....	" 20.....	".....	13
City of San Diego.....	" 20.....	".....	11
Enterprise.....	" 21.....	".....	21
Zillah May.....	" 22.....	".....	30
Dora Siewerd.....	" 23.....	".....	22
Ida Erta.....	" 23.....	".....	28
Mermaid.....	" 23.....	".....	19
Libbie.....	" 24.....	".....	2
Minnie.....	" 27.....	".....	26
Hatzic.....	" 27.....	".....	24
Viva.....	" 28.....	".....	37
Favourite.....	" 28.....	".....	25
Abbie M. Deering.....	July 18.....	".....	38

CLEARED FOR JAPAN COAST, SEASON 1898.

Director.....	January.....	17
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With the single exception of the schooner "Director," it will be seen that the Canadian sealing fleet this year confined its operations to the North American portion of the North Pacific Ocean, so that the Asiatic pelagic seal fishery, as the United States have prohibited pelagic sealing and the Russians have never participated therein, was left in the hands of the Japanese, or any British or other vessels which may possibly have been fitted out in Yokohama or Hakodate.

THE SEASON'S CATCH.

The following table, supplied by the Collector of Customs at Victoria, British Columbia, contains a complete detailed return of the season's operations of the Canadian sealing fleet, giving a statement of the vessels, tonnage, masters, crews, white and Indian, as well as numbers of boats and canoes employed in the industry.

BRITISH COLUMBIA

License No.	Vessels.	Masters.	Tons.	CREWS.		BOATS.		PARTI-	
				White.	Indians.	Boats.	Canoes.	British Columbia Coast.	
								Male.	Female.
38	Abbie M. Deering	M. White	96	22		6			
12	Ada	J. F. Noel	97	9	20	2	10	54	131
9	Ainoko	G. Heater	75	6	18	12	9	80	343
14	Allie I. Alger	R. W. Lavender	75	23		7		402	304
10	Arietis	F. Cole and W. D. Byers	86	8	30	12	15	70	159
8	Beatrice	W. Heater	66	5	16	1	8	167	163
24	Carrie C. W.	M. Foley	92	6	26	12	13	105	83
15	C. D. Rand	H. Blakstad	51	8	22	12	11	151	91
11	City of San Diego	M. Keefe	49	6	20	1	10	97	240
36	Diana	J. G. Searle	50						
17	Director	F. W. Gilbert	87	23		6		16	14
22	Dora Siewerd	H. F. Siewerd	93	10	34	2	17	89	220
3	Doris	D. McPhee	60	6	20	2	10	84	257
21	Enterprise	J. W. Todd	69	6	28	2	13	89	220
25	Favourite	L. McLean	80	6	31	2	15	179	152
1	Geneva	Wm. O'Leary	93	24		8		390	502
24	Hatzie	J. Daley	72	7	24	12	12	179	85
28	Ida Etta	H. V. Hughes	69	6	25	12	12	117	90
2	Libbie	F. Hackett	93	8	14	12	7	204	57
5	Mary Ellen	J. G. Searle	63	8	22	2	11	129	147
4	Mary Taylor	A. Nelson	43	6	16	2	8	200	338
19	Mermoid	J. W. Anderson	76	10	22	3	11	52	165
26	Minnie	Vict. Jacobsen	46	6	19	2	10	123	148
31	Ocean Belle	A. McDougall	83	7	22	12	11	66	61
29	Ocean Rover	O. Buckholtz	55	6	16	12	8	79	69
13	Otto	J. F. Gosse	86	8	28	12	14	217	242
7	Penelope	D. G. Macaulay	70	6	24	2	12	102	430
35	Pioneer	C. E. Locke	73	6	20	2	10		
16	Saucy Lass	W. D. McDougall	38	6	14	2	7	85	77
6	Teresa	G. Meyer	63	8	23	1	13	42	256
20	Umbrina	J. W. Peppitt and C. Campbell	99	8	30	2	15	117	169
18	Victoria	J. Haan	63	7	20	2	10	169	168
37	Viva	D. McPhee	92	7	21	2	10		
32	Walter L. Rich	J. Anderson	84	6	26	2	13	144	86
30	Zillah May	S. Balcam	66	7	22	2	11	95	86
....	Catch by Indians in canoes								
35	Total		2,553	330	673	92	336	4,093	5,553

PORT OF VICTORIA, B.C.,
1st December, 1898.

A comparison of the result of this season with that of 1897 shows that this year 35 vessels aggregated 27,452 seal skins, as against 29,392 skins for the fleet of 1897, which numbered 41 vessels. This demonstrates an increased catch per vessel this season over last year of, in round numbers, 67 seal skins. The catch by shore Indians in canoes is, of course, eliminated in both cases in arriving at these figures, but to complete the Canadian take for both years, we have only to add the Indian coast catch for 1897, 1,018 skins, and that for 1898, 1,100 skins, making the total result for the former year, 30,410, and for the latter, 28,552 seal skins.

It will also be observed that while 31 vessels, operating on the North American coast in 1897, secured 5,082 seal skins, a like number of vessels operating in the same waters in 1898 secured 3,646 skins. There were, however, in 1897, taken in Asiatic waters, 8,703 skins, whereas, in 1898, the only vessel which exploited those waters was rewarded by but 410 skins.

In 1897 the product of the Behring Sea season to 25 vessels was 15,607, while, in 1898, the 27 vessels which are shown to have sealed in the waters of that sea, secured an aggregate of 16,943 seal skins.

On the whole, it can fairly be said that, so far as the past two seasons are concerned, there is practically no change in the industry.

It is reported that the sealers have extended their spring voyages farther south than formerly, and that, as a consequence, they have met with considerable success, which may account, in some degree, for the largely increased coast catch for 1898.

One interesting feature of the season is that no fewer than five sealing schooners report having secured among their catch seal skins which, to all appearances, bear the brands which, for the past three years have been placed upon the seals by the authorities on the Pribilof Islands. These vessels are: "City of San Diego," one branded seal; "Flatzie," two branded seals; "Ocean Rover," one branded seal; "Otto," one branded seal; "Victoria," one branded seal.

The success of this expedient is not very apparent, when it is considered that the net result of the two seasons branding operations shows a capture of six branded seals, out of a total take of about 30,000 of these animals at sea, but it would be unfair to draw any deductions from these facts until the number, age and sex of seals branded on the Pribilof Islands each season is known.

As in previous seasons, the sealers report the seals plentiful, but becoming more wary and difficult to secure. This is but natural, considering their constant pursuit by the sealers and the disturbance caused by patrolling steamships for a number of years past.

The weather is reported to have been bad for the Behring Sea season, the earlier part being marked by unusual fogs and rains, and the latter part by the prevalence of generally bad weather and gales.

By reference to the statistical abstract above given, it will be seen that the number of white men employed on the sealing fleet of 35 vessels was 330, and the number of Indians, 673. In 1897 the numbers employed in 41 vessels were 495 whites and 587 Indians. The tendency is more and more to employ Indians instead of white men, on the ground of economy.

PATROL.

The United States Government seems to have taken no part whatever, during 1898, in the patrol of the Behring Sea and North Pacific Ocean, as regards pelagic sealing, leaving that duty entirely to Her Britannic Majesty's Government, who entrusted this work to Her Majesty's ships "Amphion," "Icarus" and "Pheasant," with the result that one sealing schooner was seized, as explained under another heading.

SEIZURE.

The Canadian sealing schooner "Otto," Captain Gosse, was seized by Capt. Finnis, of H.M.S. "Amphion," in Behring Sea on the 10th September, 1898, for an infraction of

Article 1 of the Paris Award regulations, that is to say, capturing seals within the 60-mile zone. The captain admitted the offence, but pleaded extenuating circumstances. The vessel was brought to trial in the Vice Admiralty Court of British Columbia on the 28th November, the Chief Justice presiding.

The evidence offered was to the effect that the vessel was found about 10 miles inside the prohibited zone, with her canoes out, engaged in sealing. The day was clear and the master endeavoured to explain the presence of his vessel within the zone by stating that he was unable the day before to take observations, owing to thick weather, and also on account of his being misled by a chart, showing the currents. He further stated that on the 8th September he believed his vessel was eight miles outside the zone, by dead reckoning, and on the 9th that he was $4\frac{1}{2}$ miles outside, and that while he was under the impression that he was getting further from the line, the current was having the opposite effect, and he had taken no observations before the boats went out in the morning.

Although the suit was entered for confiscation, a fine only was pressed for.

The text of the judgment is as follows :—

"The mere fact, which is admitted, that the ship was engaged in sealing in prohibited waters constitutes an offence under the Act. The ship "Minnie," 23 S. C. at p. 484. Mr. Pooley stated that he could only ask for a fine. Captain Finnis, the seizing officer, having attributed carelessness to the master. Where the owner of a ship employs a competent master and furnishes him with proper instruments, and the master uses due diligence, but for some unforeseen cause, against which no precaution reasonably necessary to be taken can guard, is found sealing where sealing is forbidden, the Court would be well exercised by the imposition of a nominal fine only.

"But in this case the master, for eight days immediately preceding the day of seizure, was knowingly sealing in the close vicinity of the prohibited zone, and while I am desirous of making every allowance for him because of his having been misled as to the current by the chart upon which he relied, and in the difficulties owing to bad weather, and to his men not being well under control, I cannot acquit him of great carelessness in not taking a sight on that day before allowing his men to leave the ship.

"Having regard to the limit of £500, I think the justice of the case will be met by the infliction of a fine of £200, upon payment of which, within one month, the ship, equipment and cargo will be released."

The fine was paid by the owners.

DISASTER.

The sealing schooner "Pioneer," of Victoria, B.C., is reported missing, her last port of call being Ounalaska, and no doubt now exists as to her loss.

The "Pioneer" was a vessel of 73 tons, and carried a crew of six white men and 20 Indians from the west coast of Vancouver Island. On leaving Ounalaska she had on board 453 seal skins, taken in Behring Sea.

This is the only disaster or loss of life among the fleet reported this season.

DIPLOMATIC NEGOTIATIONS.

The report for 1897 contains considerable reference to diplomatic negotiations and expert investigation into seal life, embracing the text of the findings of the fur-seal experts who held a conference in Washington during that year, looking to possible revision of the Paris Regulations.

The principal correspondence between the Premier of Canada and the United States negotiator, Mr. Foster, leading up to a basis for an International Joint High Commission, for the adjustment of questions pending between Canada and the United States, was also published.

The Minister of Marine and Fisheries having, on behalf of Her Majesty's Government agreed in May last at Washington to a protocol for a reference to such Joint High Commission of outstanding differences between Canada and the United States, the Behring Sea seal question was referred to that tribunal by such protocol as follows :—

"First.—The questions in respect to the fur-seals in Behring Sea and the waters of the North Pacific Ocean."

The Joint High Commission formally opened at Quebec on the 23rd August, 1898, and after many sittings there and at Washington, adjourned on the 20th February, 1899, to reassemble at Quebec on the 2nd August next.

As the Behring Sea question is one of those receiving the consideration of the Joint High Commission, it has passed, for the time being, out of the ordinary channel of correspondence between the different Governments, hence the past year has been marked by an absence of proposals and arrangements hitherto obtaining each season in the prosecution of the sealing industry and the application of the legislation under which it is conducted.

By the terms of the Paris Award, the regulations for the government of the seal fishery in Behring Sea and the North Pacific Ocean, were to be subjected to a new examination every five years, so as to enable both interested Governments to consider whether, in the light of the past experience, there was occasion for any modification thereof.

The representations made to the Canadian Government by those engaged in the sealing industry in British Columbia, were to the effect that no modifications of these regulations should be agreed to in the nature of further limitations to the business, but that, on the contrary, the successful prosecution of the industry demanded that the existing restrictions should be curtailed alike as to the close season and as to the protective zone around the Pribylov Islands.

As the United States Government would not entertain any proposals in either of these directions, and it did not seem to the Canadian Government possible for them, having due regard to the interests of those engaged in the sealing industry, to consent to any further limitations upon the operations of the sealers, it was found impossible to agree upon any change in the Paris Award regulations.

THE BEHRING SEA CLAIMS COMMISSION.

The awards of this commission, in respect of Canadian sealing schooners seized and otherwise interfered with, and of persons damaged through personal arrest and imprisonment by the United States authorities prior to the findings of the Paris Arbitration, were published in detail in last year's report.

The total award, \$473,151.26 was paid over to Canada, and, after much research and inquiry, was divided on an equitable basis between the parties entitled thereto as owners, masters, hunters, &c., in the case of some 23 vessels, and between the 14 participants in the personal claims for detention and imprisonment. One hundred and sixteen cheques have already been issued and placed in the hands of the Collector of Customs at Victoria for delivery to the parties entitled to receive the amounts allotted them.

Owing to the great lapse of time between the seizures, which began in 1886, and the final adjustment of the claims in 1898, it is obvious that difficulties were to be expected in reaching everybody entitled to participate in the recompense. Some few claimants have been lost sight of, and others have died, and their heirs not yet been found. There are, therefore, some isolated cases in which cheques have not yet issued, while in one or two other instances further information is to be obtained before final payment is made to claimants.

A sum of between \$14,000 and \$15,000, allotted to Indian hunters on board the seized sealing schooners is yet undistributed, as the major portion of the sum is payable to such of the west coast Indians as were engaged as hunters on board the vessels seized as far back as 1886, 1887 and 1889. All possible information is being collected on the subject, and it is expected that the department will be in a position to distribute this portion of the award at an early date.

The co-operation of the Indian Department has been obtained, with a view to facilitate this end.

RUSSIAN AWARD—SEIZURE OF "WILLIE M'GOWAN" AND "ARIEL"

In the report for 1897, page 365, it is explained that the Russian Government had made an offer of \$40,078.75 as compensation for the seizure, in 1892, of the two above-mentioned sealing schooners in the North Pacific Ocean.

This offer was accepted by both Her Majesty's Government and that of Canada, and the money was paid over for distribution.

On examination of the details of the Russian offer, it was found that the amount was divided between the two vessels as follows:—

"Willie McGowan"	\$20,642 16
"Ariel"	19,436 59

Total	\$40,078 75
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After proper precautions had been taken to establish the persons to whom this money was payable, cheques were issued to the owners of the respective vessels for the amounts due them, thus affording a satisfactory conclusion to this claim against the Russian Government.

ARBITRATION OF SEIZURES BY RUSSIA IN 1892.

The seizure of Canadian sealing schooners by the Russian Government in 1892 is fully explained in the departmental report for that year, and the question is continued at considerable length in that for the following year (1893).

From the above, it will be observed that on the protest of Great Britain, the Russian Government submitted the question of the seizures to a special commission of its own appointment. The decision of this commission found that, with the exception of the "Willie McGowan" and the "Ariel," for which vessels compensation has been paid, as explained above, the seizures were regular and could be maintained.

Owing to conflicting statements, more especially with regard to the position of the vessels when seized, considerable diplomatic correspondence ensued, which resulted in the Russian Government finally agreeing to submit the cases of the remaining vessels to arbitration. These vessels are: "Rosie Olsen," "Carmolite," "Maria," "Vancouver Belle," "Walter P. Hall," "C. H. Tupper," boat of the "E. B. Marvin," boats of the "W. P. Sayward."

All possible information has been collected, and every means has been taken to properly and formally present these claims for arbitration.

The arbitrator chosen by the three Governments concerned was Monsieur Alphonse Rivier, President of the Institute of International Law, and Consul-General for Switzerland at Brussels, and everything was in readiness to proceed, but in September, 1898, the death of Monsieur Rivier was announced, and a resort to diplomatic correspondence became again necessary, for the choice of a successor, who has been agreed upon by the Canadian Government and that of Her Majesty, in the person of Mr. Henning Matzen, Professor of Law at the University of Copenhagen.

No doubt as little delay as possible will occur in the arbitration of these claims.

Respectfully submitted.

R. N. VENNING.

Ottawa,